

House File 654 - Introduced

HOUSE FILE 654

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 173)

(COMPANION TO LSB 1405SV BY
COMMITTEE ON JUDICIARY)

A BILL FOR

1 An Act relating to the carrying, transportation, and possession
2 of weapons by certain persons and in certain locations, and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

EMPLOYER POLICIES REGARDING FIREARMS AND AMMUNITION —
DEPARTMENT OF CORRECTIONS AND OTHER DETENTION FACILITIES —
PARKING LOTS

Section 1. Section 719.7, subsection 3, paragraph a, Code 2023, is amended to read as follows:

a. Knowingly introduces contraband into, or onto, the grounds of a secure facility for the detention or custody of juveniles, detention facility, jail, community-based correctional facility, correctional institution, or institution under the management of the department of corrections. This paragraph does not prohibit the otherwise lawful carrying, transportation, or possession of a firearm or ammunition if the firearm or ammunition remains out of sight and inside a locked vehicle on the real property comprising the publicly accessible, nonsecure parking lot of the facility, jail, or institution.

Sec. 2. NEW SECTION. 724.4F Limitation on employers — firearms and ammunition.

1. For purposes of this section:

a. "Employee" means the same as defined in section 91A.2. "Employee" also includes a contract employee or volunteer.

b. "Place of employment" includes any property, including a secure parking lot, that is used for parking motor vehicles and is available to an employer's customers, employees, or invitees for temporary or long-term parking or storage of motor vehicles.

2. An employer shall not prohibit an employee from carrying, transporting, or possessing a firearm or ammunition if the firearm and ammunition are out of sight and inside a locked, privately owned motor vehicle on the real property comprising the employee's place of employment and if the carrying, transportation, or possession of the firearm or ammunition is otherwise lawful under the laws of this state.

3. An employer, owner, or lawful possessor of the property

1 on which the employer is located shall be immune from any
2 claim, cause of action, or lawsuit brought by any person
3 seeking damages that are alleged, directly or indirectly, as a
4 result of any firearm or ammunition brought onto the property
5 of the employer, owner, or lawful possessor by an employee
6 pursuant to this section.

7 4. An employer may prohibit an employee from carrying,
8 transporting, or possessing a firearm or ammunition in a
9 vehicle owned or leased by the employer or otherwise under the
10 employer's control or possession.

11 5. The prohibitions in this section shall apply to all
12 private employers and to all state and local governmental
13 entities of this state as defined in section 8A.101.

14 6. This section shall not apply to the extent that it
15 violates federal or other state law or the terms of a contract
16 with a federal entity.

17 Sec. 3. EFFECTIVE DATE. This division of this Act, being
18 deemed of immediate importance, takes effect upon enactment.

19 DIVISION II

20 FIREARMS ON SCHOOL PROPERTY

21 Sec. 4. NEW SECTION. **285.17 Weapons in school vehicles**
22 **transporting pupils.**

23 When transportation is provided pursuant to this chapter,
24 a driver shall not permit firearms or other weapons, nor
25 ammunition, to be carried in the passenger compartment of any
26 school vehicle transporting pupils except when the school
27 district or nonpublic school authorizes or directs a person
28 to carry, transport, or possess a firearm, other weapon, or
29 ammunition in the school vehicle.

30 Sec. 5. Section 724.4B, subsection 2, Code 2023, is amended
31 by adding the following new paragraphs:

32 NEW PARAGRAPH. *i.* A person, whether a driver or passenger
33 and including a person authorized or directed pursuant to
34 section 285.17, while the person is dropping off or picking
35 up from a school a student, staff member, or other person

1 having business at the school, or while the person is making
2 a delivery or pickup at a school, who has in the person's
3 possession a valid permit to carry weapons issued pursuant
4 to section 724.7, while going armed with, carrying, or
5 transporting a concealed pistol or revolver if the concealed
6 pistol or revolver remains in the vehicle and the vehicle
7 remains on the portion of the grounds of the school that
8 comprises its driveways and parking areas. The vehicle shall
9 be locked when unattended.

10 NEW PARAGRAPH. *j.* A person retired under chapter 97A
11 or 411, or section 97B.49B or 97B.49C, after service as a
12 peace officer who retired in good standing, who maintains
13 certification, and who, during the most recent twelve-month
14 period, has met the standards for qualifications in firearm
15 safety training determined by the state agency or political
16 subdivision that the person formerly served.

17 Sec. 6. EFFECTIVE DATE. This division of this Act, being
18 deemed of immediate importance, takes effect upon enactment.

19 DIVISION III

20 DANGEROUS WEAPONS IN VEHICLES AT REGENTS UNIVERSITIES AND
21 COMMUNITY COLLEGE CAMPUSES

22 Sec. 7. NEW SECTION. 260C.14B Limitation on authority —
23 **dangerous weapons.**

24 The board of directors of a community college shall comply
25 with the requirements of section 724.8C regarding policies and
26 rules relating to the carrying, transportation, or possession
27 of dangerous weapons, as defined in section 702.7, in a
28 personal vehicle on the grounds of the community college.

29 Sec. 8. NEW SECTION. 262.9E Limitation on authority —
30 **dangerous weapons.**

31 The state board of regents shall comply with the
32 requirements of section 724.8C regarding policies and rules
33 relating to the carrying, transportation, or possession of
34 dangerous weapons, as defined in section 702.7, in a personal
35 vehicle on the grounds of a university under the control of the

1 state board of regents.

2 Sec. 9. NEW SECTION. 724.8C Limitation on authority —
3 dangerous weapons — public universities and community colleges.

4 The governing board of a university under the control
5 of the state board of regents as provided in chapter 262
6 or a community college under the jurisdiction of a board
7 of directors for a merged area as provided in chapter 260C
8 shall not adopt or enforce any policy or rule that prohibits
9 the carrying, transportation, or possession of any dangerous
10 weapon, as defined in section 702.7, in a locked, personal
11 vehicle on the grounds of such a college or university if the
12 dangerous weapon is not visible from outside of the vehicle
13 and such carrying, transportation, or possession is not
14 otherwise prohibited under this chapter. A governing board
15 of a university or community college shall be immune from
16 any claim, cause of action, or lawsuit by a person seeking
17 damages that are alleged, directly or indirectly, as a result
18 of any concealed dangerous weapon brought onto the grounds of
19 a university or college campus by a person pursuant to this
20 section.

21 DIVISION IV

22 INSURANCE COVERAGE — FIREARMS ON SCHOOL GROUNDS

23 Sec. 10. NEW SECTION. 515.80 Nondenial of property and
24 casualty insurance — schools.

25 1. For purposes of this section, unless the context
26 otherwise requires:

27 a. "Authorized insurer" means an insurer authorized by
28 the commissioner of insurance to write property and casualty
29 insurance under a certificate of authority issued by the
30 commissioner to transact insurance in this state.

31 b. "School" means a public or nonpublic school as defined
32 in section 280.2.

33 2. No later than December 31, 2023, the commissioner of
34 insurance shall adopt rules that prohibit an authorized insurer
35 from denying property and casualty insurance to a school

1 based solely on the presence of a person authorized under
2 section 724.4B, subsection 2, going armed with, carrying, or
3 transporting a firearm on the grounds of a school.

4 3. The rules adopted by the commissioner of insurance under
5 subsection 2 shall apply to all authorized insurers that, on or
6 after January 1, 2024, deliver, issue for delivery, continue,
7 or renew a property and casualty contract in this state for a
8 school.

9 DIVISION V

10 GUNS IN VEHICLES ON PUBLIC HIGHWAYS

11 Sec. 11. Section 805.8B, subsection 3, paragraph q, Code
12 2023, is amended by striking the paragraph.

13 Sec. 12. REPEAL. Section 483A.36, Code 2023, is repealed.

14 Sec. 13. EFFECTIVE DATE. This division of this Act, being
15 deemed of immediate importance, takes effect upon enactment.

16 DIVISION VI

17 CARRYING FIREARMS ON SNOWMOBILES AND ALL-TERRAIN VEHICLES

18 Sec. 14. Section 321G.13, subsection 2, Code 2023, is
19 amended to read as follows:

20 2. ~~a. A person shall not operate or ride a snowmobile with~~
21 ~~a firearm in the person's possession unless it is unloaded and~~
22 ~~enclosed in a carrying case, except as otherwise provided.~~

23 ~~However, a nonambulatory person may carry an uncased and~~
24 ~~unloaded firearm while operating or riding a snowmobile.~~

25 ~~b. (1) A person may operate or ride a snowmobile with a~~
26 ~~loaded firearm, whether concealed or not, without a permit to~~
27 ~~carry weapons, if the person operates or rides on land owned,~~
28 ~~possessed, or rented by the person and the person's conduct is~~
29 ~~otherwise lawful.~~

30 ~~(2) A person may operate or ride a snowmobile with a loaded~~
31 ~~pistol or revolver, whether concealed or not, if the person is~~
32 ~~operating or riding the snowmobile on land that is not owned,~~
33 ~~possessed, or rented by the person, and the person's conduct is~~
34 ~~otherwise lawful.~~

35 ~~c. A person shall not discharge a firearm while on a~~

1 snowmobile, except that a nonambulatory person may discharge a
2 firearm from a snowmobile while lawfully hunting if the person
3 is not operating or riding a moving snowmobile.

4 Sec. 15. Section 321I.14, subsection 2, Code 2023, is
5 amended to read as follows:

6 2. ~~a.~~ ~~A person shall not operate or ride an all-terrain~~
7 ~~vehicle with a firearm in the person's possession unless it is~~
8 ~~unloaded and enclosed in a carrying case, except as otherwise~~
9 ~~provided. However, a nonambulatory person may carry an uncased~~
10 ~~and unloaded firearm while operating or riding an all-terrain~~
11 ~~vehicle.~~

12 ~~b.~~ ~~(1) A person may operate or ride an all-terrain vehicle~~
13 ~~with a loaded firearm, whether concealed or not, without a~~
14 ~~permit to carry weapons, if the person operates or rides on~~
15 ~~land owned, possessed, or rented by the person and the person's~~
16 ~~conduct is otherwise lawful.~~

17 ~~(2) A person may operate or ride an all-terrain vehicle with~~
18 ~~a loaded pistol or revolver, whether concealed or not, if the~~
19 ~~person is operating or riding the all-terrain vehicle on land~~
20 ~~that is not owned, possessed, or rented by the person, and the~~
21 ~~person's conduct is otherwise lawful.~~

22 ~~e.~~ A person shall not discharge a firearm while on an
23 all-terrain vehicle, except that a nonambulatory person may
24 discharge a firearm from an all-terrain vehicle while lawfully
25 hunting if the person is not operating or riding a moving
26 all-terrain vehicle.

27 Sec. 16. EFFECTIVE DATE. This division of this Act, being
28 deemed of immediate importance, takes effect upon enactment.

29 DIVISION VII

30 FIREARMS ON PROPERTIES LICENSED TO CONDUCT GAMBLING GAMES OR
31 SPORTS WAGERING

32 Sec. 17. NEW SECTION. 99D.7A Limitations on rules.

33 Rules adopted pursuant to section 99D.7 shall not prohibit
34 a licensee from authorizing a person to possess a firearm on
35 the licensee's property. This subsection does not prohibit

1 a licensee from adopting a policy limiting the possession of
2 firearms on the licensee's property.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with
5 the explanation's substance by the members of the general assembly.

6 This bill relates to the carrying, transportation, and
7 possession of weapons by certain persons and in certain
8 locations. The bill is organized by divisions.

9 DIVISION I — EMPLOYER POLICIES REGARDING FIREARMS AND
10 AMMUNITION — DEPARTMENT OF CORRECTIONS AND OTHER DETENTION
11 FACILITIES — PARKING LOTS. The bill provides that the current
12 prohibition against introducing contraband into, or onto,
13 the grounds of certain facilities and institutions under the
14 jurisdiction of the department of corrections does not apply to
15 the otherwise lawful carrying, transportation, or possession of
16 a firearm or ammunition if the firearm or ammunition remains
17 out of sight and inside a locked vehicle on the real property
18 comprising the publicly accessible, nonsecure parking lot of
19 the secure facility, jail, or institution.

20 The bill prohibits an employer from prohibiting an employee
21 from carrying, possessing, or transporting a firearm or
22 ammunition on the real property comprising the employee's place
23 of employment if the firearm or ammunition is out of sight
24 and inside a locked, privately owned motor vehicle and if the
25 carrying, transportation, or possession of the firearm or
26 ammunition is otherwise lawful under the laws of this state.
27 The bill defines "employee", which includes a contract employee
28 or volunteer. The bill provides that an employer, owner,
29 or lawful possessor of the property on which the employer
30 is located is immune from any claim, cause of action, or
31 lawsuit seeking damages alleged as a result of any firearm
32 brought onto the property of the employer, owner, or lawful
33 possessor on which the employer is located by an employee. The
34 bill provides situations for which an employer may prohibit
35 the carrying, transportation, or possession of firearms and

1 ammunition.

2 This division of the bill takes effect upon enactment.

3 DIVISION II — FIREARMS ON SCHOOL PROPERTY. Under
4 current administrative rules, the driver of a school vehicle
5 transporting pupils shall not permit firearms or other weapons,
6 nor ammunition, to be carried in the passenger compartment.
7 The bill allows a school district or nonpublic school to
8 authorize or direct a person to carry, transport, or possess a
9 firearm, other weapon, or ammunition in a school vehicle.

10 Current law generally prohibits a person from going
11 armed with, carrying, or transporting a firearm of any kind,
12 whether concealed or not, on the grounds of a school. The
13 bill authorizes a person, whether a driver or passenger and
14 including a person authorized or directed pursuant to the bill,
15 while the person is dropping off or picking up from a school a
16 student, staff member, or other person having business at the
17 school, or while the person is making a delivery or pickup at a
18 school, who has in the person's possession a valid permit to
19 carry weapons to go armed with, carry, or transport a concealed
20 pistol or revolver on school grounds if the concealed pistol
21 or revolver remains in the vehicle and the vehicle remains on
22 the portion of the grounds of the school that comprises its
23 driveways and parking areas. The vehicle shall be locked when
24 unattended. The bill also authorizes a retired peace officer
25 to go armed with, carry, or transport a firearm on the grounds
26 of a school if the retired peace officer retired in good
27 standing, maintains certification, and, during the most recent
28 12-month period, has met the standards for qualifications in
29 firearm safety training determined by the state agency or
30 political subdivision that the individual formerly served.

31 This division of the bill takes effect upon enactment.

32 DIVISION III — DANGEROUS WEAPONS IN VEHICLES AT REGENTS
33 UNIVERSITIES AND COMMUNITY COLLEGE CAMPUSES. The bill provides
34 that the governing board of a university under the control of
35 the state board of regents as provided in Code chapter 262

1 or a community college under the jurisdiction of a board of
2 directors for a merged area as provided in Code chapter 260C
3 shall not adopt or enforce any policy or rule that prohibits
4 the carrying, transportation, or possession of any dangerous
5 weapon, as defined in Code section 702.7, in a locked, personal
6 vehicle on the grounds of such a college or university if the
7 dangerous weapon is not visible from outside of the vehicle and
8 such carrying, transportation, or possession is not otherwise
9 prohibited under Code chapter 724.

10 A dangerous weapon is any instrument or device designed
11 primarily for use in inflicting death or injury upon a human
12 being or animal, and that is capable of inflicting death upon a
13 human being when used in the manner for which it was designed,
14 except a bow and arrow when possessed and used for hunting or
15 any other lawful purpose. Additionally, any instrument or
16 device of any sort whatsoever that is actually used in such a
17 manner as to indicate that the defendant intends to inflict
18 death or serious injury upon the other, and that, when so
19 used, is capable of inflicting death upon a human being, is a
20 dangerous weapon. Dangerous weapons, as amended in the bill,
21 include but are not limited to any pistol, revolver, or other
22 firearm, dagger, razor, stiletto, switchblade knife, knife
23 having a blade exceeding five inches in length, or any portable
24 device or weapon directing an electric current, impulse,
25 wave, or beam that produces a high-voltage pulse designed to
26 immobilize a person.

27 DIVISION IV — INSURANCE COVERAGE — FIREARMS ON SCHOOL
28 GROUNDS. The bill requires the commissioner of insurance to
29 adopt rules no later than December 31, 2023, to prohibit an
30 authorized insurer from denying property or casualty insurance
31 to a school based solely on the presence of a person who
32 lawfully goes armed with, carries, or transports a firearm on
33 the grounds of a school.

34 DIVISION V — GUNS IN VEHICLES ON PUBLIC HIGHWAYS. Unless
35 otherwise permitted by law, current law generally prohibits

1 a person from having or carrying a gun in or on a vehicle
2 on a public highway unless the gun is taken down or totally
3 contained in a fastened case and with its barrels and attached
4 magazines unloaded. A person conveying an assembled, unloaded
5 gun is subject to a scheduled fine of \$35. A person conveying
6 a loaded gun is subject to a scheduled fine of \$70. The bill
7 repeals the prohibition and strikes the associated scheduled
8 fines.

9 This division of the bill takes effect upon enactment.

10 DIVISION VI — CARRYING FIREARMS ON SNOWMOBILES AND
11 ALL-TERRAIN VEHICLES. Current law prohibits a person from
12 operating or riding a snowmobile or all-terrain vehicle with a
13 loaded firearm in the person's possession unless the person is
14 operating or riding the snowmobile or all-terrain vehicle on
15 land that is owned, possessed, or rented by the person, and the
16 person's conduct is otherwise lawful. Additionally, a person
17 may operate or ride a snowmobile or all-terrain vehicle with a
18 loaded pistol or revolver on land that is not owned, possessed,
19 or rented by the person if the person's conduct is otherwise
20 lawful. The bill strikes these prohibitions and exceptions.

21 This division of the bill takes effect upon enactment.

22 DIVISION VII — FIREARMS ON PROPERTIES LICENSED TO CONDUCT
23 GAMBLING GAMES OR SPORTS WAGERING. Current administrative
24 rules prevent a patron or employee of a facility licensed to
25 conduct gambling games or sports wagering from possessing any
26 pistol or firearm within the licensed facility without the
27 express written approval of the administrator of the racing
28 and gaming commission (commission). The bill provides that
29 the administrative rules adopted by the commission shall not
30 prohibit a licensee from authorizing a person to possess a
31 firearm on the licensee's property. The bill does not prohibit
32 a licensee from adopting a policy limiting the possession of
33 firearms on the licensee's property.